

Honorable members of the Judiciary Committee:

I OPPOSE and ask you to vote no for the reasons stated below as regards :

Raised Bill No. 6355 - AN ACT CONCERNING RISK PROTECTION ORDERS OR WARRANTS

S.B. 219

AN ACT EXPANDING THE STATE'S RED FLAG LAW.

My comments focus on 3 areas of concern:

FIRST CONCERN:

Proposed text ... **Excerpt 1:**

Section 1. Section 29-38c of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

(a) Upon complaint on oath by any state's attorney or assistant state's attorney or by any two police officers **or other complainant who is a family or household member** or a medical professional, to any judge of the Superior Court, that such [state's attorney or police officers have] complainant has probable cause to believe that [(1)] a person poses a risk of imminent personal injury to himself or herself or to other individuals,

Public Comment against Excerpt 1 change:

US Citizens have a Constitutional right to keep and bear arms. Expanding the current Risk Protection law to permit complainants who are not professionals and thus would not have the expertise to assess if a person is truly a risk to directly bring their complaint to the judge is opening the door wide for the law to be used inappropriately to carry out a personal grudge or other nefarious attack against the firearm owner. Example: a disgruntled ex-spouse or a teenage child unhappy with a parent's disciplinary decision to ground them for being out late at night. It would be unlikely that any judge would know the true motivation of the complainant which could result in depriving the firearm owner of their Constitutional right to self-defense (for however long of a period and perhaps permanently).

SECOND CONCERN:

Proposed text ... **Excerpt 2** - Lines 101-111:

(e) A risk protection order shall continue to apply and the firearm or firearms and any ammunition held pursuant to subsection (d) of this section shall continue to be held by the state until such time that the person named in the order or warrant can prove by a preponderance of the evidence at a hearing of the court that such person no longer poses an immediate risk of personal injury to themselves or other individuals. The person named in the order or warrant may first petition the court for a hearing at least one hundred eighty days after the hearing held pursuant to subsection (d) of this section. If the court denies a person's petition under this section, the person may not file a subsequent petition until at least one hundred eighty days after the date on which the court denied the petition.

Public Comment against Excerpt 2 - Lines 101-111.

This section twists the law backwards requiring the person to prove their innocence rather than requiring the State to prove their guilt.

Further, it denies a firearm owner the right to self-defense [*codified in the 2nd Amendment of the US Constitution and in Article I Section 15 of the CT Constitution*] for a minimum of 180 days (one half a year). The proposal goes on to allow the court to deny the appeal for another 180 days **without specifying any conditions** regarding what grounds the court can use for such denial. Given that many people, including judges and complainants, have a bias against gun ownership, this law could be used inappropriately to put the firearm owner in an impossible situation to regain their 2nd Amendment rights, which is their God given right to self defense, particularly in a time when "Defund the Police" leaves citizens vulnerable to the criminals.

THIRD CONCERN:

Proposed text ... **Excerpt 3** - Lines 113 – 122:

[(e)] (f) Any person whose firearm or firearms and ammunition have been ordered seized pursuant to subsection (d) of this section, or such person's legal representative, may transfer such firearm or firearms and ammunition in accordance with the provisions of section 29-33 or other applicable state or federal law, to [any person eligible to possess such firearm or firearms and ammunition] a federally licensed firearm dealer. Upon notification in writing by such person, or such person's legal representative, and the [transferee] dealer, the head of the state agency holding such seized firearm

or firearms and ammunition shall within ten days deliver such firearm or firearms and ammunition to the [transferee] dealer.
--

Public Comment against Excerpt 3 - Lines 113-122

This section directs the confiscation of personal firearm(s) and ammunition without any consideration for the monetary value or the antique or family heirloom value of such. This is government *taking* at its worst.

You might not have considered that many firearm owners have extensive collections of firearms that have a great deal of monetary value.

The *original* language at least allowed the firearm(s) to be transferred to a family member or other party who has a legal right to own it. A relative should be allowed to inherit their great grandfather's musket; or the firearm could be sold for the market value to a firearms collector. Similarly, there is value to ammunition that the owner should be able to monetize by selling the ammunition to others that are legally able to own such. If all these items were turned over to an FFL, the original owner has no ability to control the disposition of the firearms and ammunition or even be compensated over the government taking of items of value. The FFL dealer would be enriched while the firearm owner would have the value stripped from him or her and their estate. This is **WRONG!** It is **GOVERNMENT** harming the individual citizen.

I thank you for this opportunity to provide comment on this bill and ask again that you oppose its passage.

Respectfully

Joan Liska

Middletown, CT